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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT**, a multi-county
rapid transit district established and
existing under the laws of California;

Plaintiff,

vs.

WILLIAM D. SPENCER, an individual;
F.W. SPENCER & SON, INC., a
California corporation; **BRISBANE
MECHANICAL CO.**, a California
corporation; **WILLIAM MCGAHAN**, an
individual; **BRUCE R. BONAR**, an
individual; and **DOES 1-25**,

Defendants.

Case No. C 04 4632 SI

**STIPULATION AND [PROPOSED]
ORDER FOR ENLARGEMENT OF TIME
AND MODIFICATION OF HEARING
SCHEDULE**

Hearing Date: May 11, 2007
Hearing Time: 9:00 a.m.
Location: Courtroom 10
Judge: Honorable Susan Illston

1 WHEREAS on April 2, 2007, Defendants filed a renewed motion for judgment as a matter
2 of law, or in the alternative, motion for new trial, to alter or amend judgment, for relief from
3 judgment and for a stay, pursuant to Federal Rules of Civil Procedure 50, 59, 60 and 62 (Doc.
4 #370), which is currently set to be heard on May 11, 2007;

5 WHEREAS on April 6, 2007, Defendants filed a bill of costs (Doc. #376) and a motion
6 for prevailing party status and for attorneys' fees (Doc. #379), which is currently set to be heard
7 on May 11, 2007; and

8 WHEREAS Plaintiff seeks an extension of time to file its oppositions to these motions
9 (together, the "Post-Trial Motions") and the parties wish to coordinate the briefing and hearing
10 schedule for the Post-Trial Motions.

11
12 **IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:**

13 (1) Plaintiff San Francisco Bay Area Rapid Transit District ("BART") shall have until
14 Monday, April 30, 2007, to file its oppositions to both of the Post-Trial Motions;

15 (2) BART's opposition to Defendants' motion for judgment as a matter of law (Doc.
16 #370) shall not exceed 43 pages in length;

17 (3) Defendants shall have until Monday, May 7, 2007, to file its reply briefs, if any, in
18 further support of the Post-Trial Motions;

19 (4) Defendants' reply to BART's opposition to Defendants' motion for judgment as a
20 matter of law (Doc. #370) shall not exceed 25 pages in length;

21 (5) The Post-Trial Motions shall be heard on Friday, May 11, 2007 at 9:00 a.m., as
22 currently scheduled, or on such later date as the Court in its discretion shall choose; and

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(6) BART shall not attempt to enforce the judgment entered on March 29, 2007 until the Court has ruled on Defendants' motion to stay enforcement of the judgment, pursuant to Federal Rule of Civil Procedure 62(b).

DATED: April 11, 2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

By: /s/Evan S. Nadel

Attorneys for Plaintiff

DATED: April 11, 2007

MCINERNEY & DILLON, P.C.

By: /s/LeCarie S. Whitfield

Attorneys for Defendants

IT IS SO ORDERED.

DATED: _____



HON. SUSAN ILLSTON

PROOF OF SERVICE
(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I, JOHN R. AGUILAR, am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is One Maritime Plaza, Suite 300, San Francisco, California 94111-3492, which is located in the county where any non-personal service described below took place.

On April 11, 2007, a copy of the following document(s):

**STIPULATION AND [PROPOSED] ORDER FOR ENLARGEMENT OF
TIME AND MODIFICATION OF HEARING SCHEDULE**

was served via United States District Court Electronic Filing Service on the party(ies) as set forth below:

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(copies sent via e-mail to:
tlm@mcinerney-dillon.com and
gjg@mcinerney-dillon.com)

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on April 11, 2007, at San Francisco, California.

/s/John R. Aguilar
JOHN R. AGUILAR